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REMARKS

Claims 1-13 are pending in the instant application. The Examiner has rejected claims 1-3 and 6 under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent Number 6,009,406 issued to Sascha Nick (hereinafter referred as Nick). Claims 7-10 and 13 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Nick. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Nick in view of U.S. Patent Number 5,659,478 issued to Pennisi et al. (hereinafter referred as Pennisi). Claims 11 and 12 are rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Nick in view of Pennisi. Claims 2-12 as originally filed have been amended to correct a clerical error, namely, two claims numbered '2'. Claim 8 has been canceled. Claim 7 has been amended to incorporate the limitations provided in canceled claim 8. The Applicant respectfully submits that the instant application is in condition for allowance for at least the reasons presented herein. No new matter has been entered.

Claim Rejections – 35 USC § 102

The Examiner has rejected claims 1-3, 6-10 and 13 under 35 U.S.C. 102(b) as being allegedly anticipated by Nick. The Applicants respectfully disagree. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

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Applicants' claim 1 is not anticipated by Nick because Nick does not teach or suggest each and every element of claim 1. Specifically, Nick does not teach or recite "receiving from a **manufacturer** a desire to manufacture a number of said products...determining a process for manufacturing said number of products... [and] **providing to said manufacturer said process** and said cost to manufacturer said number of products" (emphasis added). The Nick reference is directed to solving a problem in the manufacturing industry related to the manufacture of complex products having multiple possible configurations by identifying "specific product configurations that are the least complex and the most frequent, and the product configurations that are the most complex and the least frequent" (col. 2, lines 18-22). "The more frequent and less complex configurations are grouped into standard product configuration classes..." (col. 2, lines 24-26) and are distinguished from custom configurations (col. 2, lines 33-44). Once these differentiations are established, Nick teaches that a **customer** places an order for a standard or custom **product** (col. 2, lines 7-44, emphasis added). In contrast to Nick, Applicants claim 1 specifies that a manufacturer (not a customer) desires to **manufacture** a number of products. The manufacturer of Applicants' claim 1 does not desire to **purchase** a product (standard or customized) that is manufactured by another entity, such as one taught by Nick. This distinction is important because the manufacturer, as taught by Applicants' claim 1, is then provided with a **manufacturing process**, in addition to the materials required to manufacture the product. Clearly, Nick does not teach "providing to said manufacturer said process" as provided in Applicants' claim 1, simply because Nick teaches that **the entity providing the product is also the entity that manufactures the product**. Support for this may be found throughout the Nick reference, including, for example, col. 2, lines 45- 50 and 58-63; and FIGs. 6, 7, 9, and their accompanying description. Because Nick does not teach each and every element of Applicants' claim 1, the Applicants submit that claim is patentable over Nick. Reconsideration of the rejection is respectfully requested.

Claims 2, 3, and 6 depend from what is an allowable claim 1. For at least this reason, the Applicants submit that claims 2, 3, and 6 are in condition for allowance and respectfully request reconsideration and withdrawal of the rejections.

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Applicants' amended claim 7 recites "a product database storing a plurality of products, said product database including a material list and a process description for manufacturing each of said plurality of products; a pricing engine, said pricing engine accessing said product database for determining an amount of materials, a process and a cost for manufacturing said number of products; and a manufacturer interface module, said **manufacturer interface module providing to said manufacturer said amount of materials and said process for manufacturing said number of products.**" Nick does not recite these features. Specifically, Nick does not teach or suggest a "manufacturer interface module providing to said manufacturer said amount of materials and said process for manufacturing said number of products" as described above with respect to Applicants' claim 1. Accordingly, because Nick does not teach or suggest each and every element of Applicants' claim 7, claim 7 is not anticipated by Nick. The Applicants respectfully request reconsideration of the outstanding rejection. Claim 8 has been canceled. Claims 9-10 and 13 depend from what is an allowable claim 7. Applicants submit that claims 9-10 and 13 are in condition for allowance at least for the reason that they depend on an allowable base claim. Reconsideration of the outstanding rejections is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 4, 5, 11, and 12 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Nick in view of Pennisi. The Applicants submit that claims 4, 5, 11, and 12 are patentable over Nick in view of Pennisi at least because of their dependence on allowable claims 1 and 7, respectively. Accordingly, the Applicants submit that claims 4, 5, 11, and 12 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

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Conclusion

In view of the foregoing remarks, Applicant submits that this application is in condition for allowance. Early notification to this effect is requested. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130 maintained by Applicant's Attorney.

Respectfully submitted,

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